



Atty. Dkt. No. 041303-0138

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mellencamp, Mark W.
Title: EQUINE HERPESVIRUS VACCINE
Appl. No.: 09/812,720
Filing Date: 03/20/2001
Examiner: Foley, Shanon A.
Art Unit: 1648

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on the date below. <u>CHRIS ESCAUVILLE</u> (Printed Name) <u>Chris Escaville</u> (Signature) <u>10/22/02</u> (Date of Deposit)

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Box FEE AMENDMENT
Washington, D.C. 20231

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OCT 30 2002

TECH CENTER 1600/2900

Sir:

In response to the restriction requirement set forth in the Office Action mailed October 2, 2002, Applicant hereby elects Group I, including Claims 1-22, 27 and 28, for examination. Applicant reserves the right to pursue the claims in Group II and III in subsequent continuations or divisions. Accordingly, please enter the following amendment.

PRELIMINARY AMENDMENT

Please amend the application as follows:

In the Claims:

Please cancel Claims 23-26 and 29-31 without prejudice.

Please add the following new claims:

10/30/2002 AOSMAN1 00000026 09812720

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54.00 DP